

HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1132 (MB) 2006.

Smt. Hemlata Singh W/o Sri Surendra Singh,
E-87, Pashchimi Vihar, Vasant Vihar,
New Delhi-110057.

-----Petitioner.

Versus

1. State of Uttaranchal through Secretary Housing,
Civil Secretariat, Dehradun,
2. The District Magistrate, Pithoragarh,
3. Nagar Palika Parishad, Pithoragarh,
Through its Chairman/Executive Officer,

-----Respondents.

Ms. Menka Tripathi, learned counsel for the petitioner,
Sri K.P. Upadhyay, learned Standing Counsel for the State/respondent nos. 1 & 2,
Sri Vikas Pandey, learned counsel for respondent no. 3.

**Coram:-Hon'ble P.C. Verma, J.
Hon'ble M.M. Ghildiyal, J.**

P.C.:

Heard Ms. Menka Tripathi, learned counsel for the petitioner, Sri K.P. Upadhyay, learned Standing Counsel for the State/respondent nos. 1 & 2, Sri Vikas Pandey, learned counsel for respondent no. 3.

By the present writ petition, the petitioner has prayed for the following reliefs:--

- i. Issue a writ, order or direction in the nature of mandamus commanding the opposite party no. 2 to dispose off the application dated 05.02.1999 to 18.12.1999 (contained in annexure no.3, paragraph 4 of this writ petition) filed by the petitioner for conversion of the land in question into freehold land in pursuance

of the G.O. dated 01.12.1998 issued by the Department of Housing, Government of U.P. and the freehold policy of the State Government of U.P. and the freehold policy of the State Government expeditiously in favour of the petitioner, preferable within a time bound period,

- ii. Issue a writ, order or direction in the nature of mandamus commanding the respondent no.3 not to permit any construction over the property enumerated in annexure no. 3, paragraph 4 of this writ petition pending disposal of the applications for freehold (contained in annexure no.4),
- iii. Mould, grant or issue a writ, order or direction in favour of the petitioner which this Hon'ble Court may deem fit and proper in the nature and circumstances of the case,
- iv. Award the cost of the petition to the petitioner.

During the course of arguments, learned counsel for the petitioner has confined her prayer that the respondent no. 2 may be directed to decide the applications moved by the petitioner for conversion of the land in question into freehold land (contained in annexure no. 3 to the writ petition) in pursuance of the G.O. dated 01.12.1998 issued by the Department of Housing, Government of U.P. and the freehold policy of the State Government expeditiously.

Since the prayer is innocuous, therefore, we deem it just and proper to direct the District Magistrate, Pithoragarh to dispose of the applications moved by the petitioner for freehold of the land in dispute within a stipulated time prescribed by the Court.

Accordingly, the District Magistrate, Pithoragarh/ respondent no. 2 is directed to take decision on the applications of the petitioner for freehold of the land in dispute (contained in annexure no. 3 to the writ petition) within a period of one month from the date of production of a certified copy of this order.

With these directions, the writ petition is disposed of. Interim Relief Application no. 11571 of 2006 stands disposed of.

(M.M. Ghildiyal, J.)

(P.C. Verma, J.)

September 8, 2006:

NCM: